

# MEASURE S

The People of the Town of Danville do ordain as follows:

Section I. Intent and Purpose. The following findings are made in support of this measure.

- In August 1999, the Danville Town Council adopted the Town of Danville 2010 General Plan. The 2010 General Plan was adopted after 18 months of significant public participation, including numerous neighborhood meetings and public hearings. The General Plan represents a broad-based community consensus regarding the appropriate land uses and development patterns that may occur in Danville in the future.
- In order to ensure continued community consensus in the pattern of urban growth in Danville, this measure, the Danville Open Space Preservation Initiative, would require voters to ratify and approve any general plan amendment allowing development of lands currently designated in the 2010 General Plan as Agricultural, General Open Space or Parks and Recreation, which together represent approximately 40 percent of the land in Danville.
- Consistent with Policy 5.01 of the 2010 General Plan, the Town of Danville intends to identify an Urban Growth Boundary (UGB) that designates an adequate amount, range, and density of land use within the Boundary to meet projected needs of the community. The UGB will be adopted following environmental review and public hearings before the Town Planning Commission and Town Council.
- By requiring voter approval of changes to important open space, agricultural and parkland land use designations in the General Plan this measure establishes a comprehensive program to ensure community concerns will be considered prior to development of lands not currently designated for urban development. Voter approval of smaller, infill development projects on lands already designated for development in the General Plan is unnecessary and does not further the goals of the 2010 General Plan.

Section 2. General Plan Amended. The Town of Danville General Plan is hereby amended by adding a new Policy 1.14 to read as follows:

“1.14 The Land Use Designations of Agricultural, General Open Space and Parks and Recreation contained in the Town of Danville General Plan in effect on November 7, 2000, were reaffirmed and readopted by the voters of the Town in an election held on November 7, 2000. The lands with those Land Use Designations are graphically depicted on the Land Use Map contained in the General Plan. Until November 7, 2020, the Land Use Designations for those properties may be amended only by one of the following two procedures:

- (a) By a vote of the people at an election; or
- (b) By a 4/5's vote of the Town Council if the Town Council, after a public hearing, makes one of the following findings that is supported by substantial evidence in the record:
  - (i) That approval of the land use amendment is necessary to avoid an unconstitutional taking of a landowner's property rights and that the new land use is only the minimum necessary to avoid the unconstitutional taking of the landowner's property rights.
  - (ii) That approval of the land use amendment is necessary to comply with state or federal law and that the new land use is only the minimum necessary to comply with such laws”

Prior to amending the General Plan to redesignate land pursuant to subparagraphs (i) or (ii) above, the Town Council shall hold at least two noticed public hearings for the purposes of receiving testimony and evidence from the applicant and the public on the proposed amendment and any findings proposed in connection with such amendment. This hearing shall be in addition to any other public hearings regularly required for a General Plan amendment.

Section 3. Effective Date. This measure shall become effective immediately upon approval by the voters. Upon the effective date, the provisions of Section 2 of the measure are hereby inserted into the Town of Danville General Plan.

Section 4. Interpretation and Severability. This measure shall be interpreted so as to be consistent with applicable federal and state laws, rules and regulations. If any section, subsection, sentence, clause, phrase or portion of this measure is held to be invalid or unconstitutional by a final judgement of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this measure. The voters hereby declare that this measure, and each section, subsection, sentence, clause, phrase or portion hereof would have been adopted or passed even if one or more sections, subsections, sentences, clauses, phrases or portions are declared invalid or unconstitutional. If any portion of this measure is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this measure that can be given effect without the invalid application. This measure shall be broadly construed in order to achieve the purposes stated herein.

Section 5. Amendment or Repeal. Except as otherwise provided herein this measure may be amended or repealed only by the voters of the Town of Danville at a Town election.

Section 6. Competing Measures. This measure is intended as an alternative to and is inconsistent with the initiative measure entitled “Danville Public Planning Initiative” (DPPI) which would require voter approval of various land use actions by the Town and would establish an Urban Growth Boundary. The DPPI qualified for the ballot prior to completion of the Town’s 2010 General Plan, adopted in August 1999. If both measures are approved by the voters on November 7, 2000, the measure receiving the greater number of affirmative votes shall supersede the other measure. No provision of the superseded measure shall be implemented or become effective.